GOVERNMENT OF MADRAS.

Old Sectt. II-28, New Sectt. II-16—71,006—28-1-55.

H.E.L.A (1955) Department. H3

Closed
Wtg
Supdt

~~Endorsement~~
~~D.O.~~
~~Memorandum~~
~~Lodged~~

Letter No. 38462-A/55-3 (H3)

Dated 27-7-1955.

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Nuisance - Existance of a latrine close to dwelling house of Nathline D'Sa behind Milagres church Kahanpur - further report submitted.			

J.S., H.E. & L.H.
Please see what action can be take in the matter

Dr.P.Varadarajulu Naidu M.L.A.

Government Estate,
Madras -2,
18-4-55.

18/4

10 APR 1955
HEALTH, EDUCATION AND LOCAL ADM. DEPT.

MINISTER FOR HEALTH
19 APR 1955
GOVERNMENT OF MADRAS

C.No. 38462A.

Dear Mr. Shetty,

A gentleman by name Mr. L.A. Desa, holding high position in the commercial world writes to me from Bombay as Follows:-

" My aged mother is staying behind Milagres Church Kallaianpur Post, South Kanara, her name is Mrs. Nathaline Desa, Our neighbours who are related have built a W.C.(Latrine) in line with our portico where she sits and sleeps during summer etc. My mother had asked these people not to build one in that place as the stink came directly to the house and porch and besides being unhealthy one cannot sit, eat or do anything when there is a slight breeze. But these people did not bother so my mother had to inform the health authorities at Udipi, who have taken up a case against the other party, but I am informed that the other party are trying to influence the local authorities and there is aliklihood of us loosing the case. As my mother has no male member in the house, these people are just harrassing her and I just cannot go there at the moment due to so many difficulties.

I shall be thankful if you could speak to the Hon'able Minister and take action against the people who are doing mischief and see that the W.C. is removed."

I shall be glad and it shall be appreciated if you will kindly instruct the authorities in South Kanara District to render justice in this matter.

With kind regards,

yours sincerely,

Hon'able
Sri. A.B. Shetty,
Health Minister,
Madras.

HEPLA (H3)

Endt. 38462A/55-1 H3 dated 22.4.55

CENTRAL DESPATCH BRANCH
36
25/4
Post.
Date
Initials.

Referred to the D.P.H. for urgent remarks.

AV
21.4.55

To the DPH with a copy of CP
20/4/55

36192 | H4/85 | 22/5 | Ke. 3005-M/88

G.F. 12 — 123,307—20-1-55.

H.E.L.A. Department

REMINDER. H3 Branch

To The Director of Public Health, Madras

~~have the honour to invite~~ am directed to invite ~~invite~~ attention to Govt. Endt

No. 38462 H/55-1(H) dated 22-4-55 and ~~to request that the reply to it may be expedited~~ request that this [illegible] may be [illegible] with information as to

(1) the stage at which the [illegible] now is,

(2) the date by which [illegible] may be expected, and

~~(3) the circumstances which have caused the delay~~

OFFICE OF THE DIRECTOR OF PUBLIC HEALTH
26 MAY 1955
MADRAS

Office Madras Sectt

Signature M. M. Hussain

Station Fort St. George

for Asst. Secy to Govt

Designation

Dated 23-5-55.

23/5/55

SUBJECT,

Sanitation — South Kanara Dist — Latrine near Mrs Nathaline Desa's house - - Regarding

G.O. No.

REPLY.

To The Secretary to Government
H.B.L.A. Dept. Madras

Retransmitted 29 MAY 1955
52500

The Dist. District Health Officer, South Kanara has been referred to in the matter. He has been reminded to day. The reply to Govt will be sent on receipt of his report

29/5

for Director of Public Health
Madras

H.E.L.A (H3)

Submd. for perusal. (N.A.D. 20.6.55)

31/5/55

2.6.55

1/6/55

H.E.L.A(H3)

Sanitation — South Kanara Dist — Latrine near Mrs Nathaline Desals house — Nuisance caused thereby

Ref: Govt. Endt. 38462A/55-1(H3 dated 22-4-55

Memo No. 38462A/55-2 (H3) d/ 21-6-'55

The D.P.H is requested to expedite his remarks in the matter

PS 20/6/55

20/6/55

AV 21.6.55

— 2/7

84 21/6

P 1 cf

To

The D.P.H.

From
Dr.T.S.Adisubramaniam,
D.I.H.(England),
Director of Public Health,
Madras.6

To
The Secretary to Government,
Health Education and Local Administration Department,
Madras-6.

-xx-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x

R.No.30056-Hyg(1)55 dated 27-6-55.

ASSISTANT SECRETARY TO GOVERNMENT
30 JUN 1955
63633

Sub: Sanitation -South Kanara District - Latrine near Mrs.Nathaline Desa 's House - nuisance caused thereby.

Ref: Govt.Memo No.38462-A/55-1 (H.3) Health dated 21-6-55.

The receipt of the reply from the District Health Officer,South Kanara is still awaited. He has been specially reminded. My remarks will be sent on the receipt of the reply from the District Health Officer.

Yours faithfully,

29/6/55

For Director of Public Health,Madras.

sn.28.6

H.E.L.A(H3)

Subd. for perusal. N.R.D-25-7-55

H3

PUBLIC HEALTH DEPARTMENT

From: Dr.T.S. Adisubramaniam, D.I.H.
The Director of Public Health, (Eng),
81, Mount Road,
Madras.6.

To
The Secretary to Government
Health, Education and Local
Administration Department,
Fort St. George, Madras.9.

-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-z-

L.Dis. 30056-Hyg(1)/55 dated 12th July, 1955.

Sir,

Sub: Nuisance - Existance of a latrine close to dwelling house of Nathline D'sa behind Milagres Church, Kalianpur - Report - Submission of -

Ref: Government Endt.No.38462-A/55-1-H3 dated22-4-55.

....

A copy of letter L.Dis. No. 1270/55 dated 13-6-55 of the District Health Officer, South Kanara Who was referred to in the matter is enclosed for the information of Government.

ASST. SECRETARY TO GOVERNMENT
HEALTH
18 JUL 1955
70947
EDUCATION AND LOCAL ADMINISTRATION DEPTT.

Yours faithfully,

V. Varadachari

For Director of Public Health, Madras.

ks. 14.7.55

Copy of the letter L.Dis. No. 1270/55 dated 13-6-55 from the District Health Officer, South Kanara, Mangalore, addressed to the Director of Public Health, Madras.

Sub: Nuisance - Existance of a latrine close to dweling house of Nathline D'sa behind Milagres Church, Kalianpur - further report - submitted.

Ref: Your R.No. 30056-Hyg-1-55 dated 2-5-55.

....

A prosecution filed against Mrs. Juvan D'sa Bai for failure to comply with the notices issued by the Health Inspector, Udipi Range is pending in the Court and the matter is subjudice.

There was no justification for the insinuation made in the letter addressed to the Minister for Health. A copy of the Health Inspector's report C.No.152/55 dated 8-6-55 is furnished for your kind information of the action taken in the matter.

(TRUE COPY)

Copy of Health Inspector's Report C.No. 152/55 dated 8-6-55.

....

Sub: Latrine - complaint by Mrs. Nathaline Desa Bai - Kalyanpur - Thonse East Village - report submitted.

Ref: Ref.C.No. 1270-B-55 dated 11-5-55 of the District Health Officer, South Kanara received by me on 18-5-55.

...

Mrs. Nathaline D'Sa Bai wife of Joseph D'sa of Kalianpur Thonse East village sent a petition on 20-4-54 to the District Health Officer, S. Kanara stating that Mr.Lawrence D'sa residing in her neighbouring compound is constructing a latrine which is very near to her drinking water well and the latrine is at a higher level than the well site and the dirty water of the latrine will find its way into the well not during rainy season and hence the other party may be warned to erect the latrine.

This petition was forwarded to me in Ref.1169-B-54 dated 23-4-54 for inspection and necessary action and to report. I ~~the pre~~ inspedted the premises on 29-4-54 and found that the latrine was being constructed. I met the woman by name, Mrs. Juvana D'sa Bai standing at the working spot and getting the construction work of the latrine. I asked her who is constructing the latrine and who is the owner of the premises. She personally admitted that the plot and the premises belong to her and she is constructing the latrine. Then I asked her who has shown the site for constructing the latrine and told her that the site where she is constructing the latrine is objectionable on the sanitary grounds as the distance between the latrine and the drinking water well in the adjoining compound, belonging to Mrs. Nathaline D'sa Bai is only 24 ft., and hence the drinking water well will be contaminated. She replied that the Udipi Municipal authorities have shown the site and is in no way objectionable or danger to anybody and that she has no other suitable site.

Then I met Mrs. Nathaline D'sa Bai and asked her who is the owner of the adjoining plot in which the latrine is being constructed and who is constructing the latrine. Mrs. Nathaline D'sa bai assured me that Lawrence D'sa was the

the Mulgeni ~~fmx~~ holder of the plot. But when he was working as a Postman he was charged for misappropriation and he was sent for imprisonment and during this period he had transferred his rights of the plot to his wife Mrs. Juvana D'sa Bai and ~~hence~~ then Juvana D'sa Bai was enjoying the full rights and the benefits of the plot. Now she is constructing the latrine which is very near to her well and hence she is requesting that the Public Health Department should take necessary action to shift the latrine from the present site.

Then sitting in her house, I prepared two notices P.H. 2/54 and P.H.3/54 under sections 44 and 39 and 40 for demolishing the latrine under construction and to put up a new flushout leaching type latrine at the site pointed out by me and the notices were served on her (Mrs. JuvanaD'sa)

In reply to my notice she sent her application dated 8-5-54 to the District Health Officer, stating that the latrines constructed by her is not a source of danger or nuisance to the persons or property around it and hence the ~~notices~~ notices served on her may be cancelled, which was also forwarded to me in N. Ref. 1466-B-55 dated 20-5-54 of the District Health Officer, for my urgent remarks in the matter.

I inspected the premises on 4-9-54 and found that the directions issued in the notice were not carried out. As the previous notices were time-barred. I issued her fresh notice to demolish the latrine already constructed. In reply to this notice she sent her petition again dated 11-9-54 stating that the latrine constructed by her will not pollute the drinking water well in the adjoining compound and that she intends to dig a well at the site which was pointed out by me for construction of a new latrine and hence she cannot shift the latrine to any site and hence this notice may also be cancelled.

I sent my report in N.Dis. 152/54 dated 2-10-54 regarding the objections of the latrine complained of on sanitary grounds and requested the District Health Officer to pass orders for any further action pointing out that though the distance between the latrine and the well is more than 20 ft., as required by the rules framed in G.O.No. 3971 dated 13-9-1941. the nature of the soil around the latrine and the elevation and slope of the latrine site and the direction of the flow of water current into the well and the defective nature of construction of the latrine and the non-service of scavengers under the Kalianpur Panchayat Board are all the possible sources of the well water being contaminated by the existance of the latrine at the site.

The District Health Officer Communicated his orders in L.Dis. No. 1169/54 dated 16-10-54 that the latrine should be shifted to an unobjectionable site which will be shown by the Health Inspector. Again I issued her notice on 3-11-54 under section 39 and 40 of the M.P.H. act to shift the latrine to the site pointed out by me and on inspection of the premises after expiry of the time allowed in the notice, I sent report to sanction prosecution for failure to comply with the notice. The prosecution had been sanctioned in P.R.No.3/54 dated16-2-55 and was filed in the court on 1-3-55.

The prosecution G.C.No. 300/55 was posted for enquiry on 26-3-55, 7-4-55, 18-4-55, 5-5-55, 12-5-55, 30-5-55 and 8-6-55 and again was adjourned to 24-6-55 for examining the defence witnesses.

By examining the prosecution witnesses (1) Health Inspector, Udipi Range, (2) Potail of Thonse East village the objections of the latrine at the existing site under health point of view and the nuisances caused by the latrine to the person residing in the adjoining compound and the possibility of contamination of the drinking water well in the adjoining

compound and the possibility of contamination of the contamination of the ~~drikin~~ drinking water well in the adjoining compound, were established. But the accused denies offence stating that she is not the owner of the plot and that she has not constructed the latrine.

Now I have to wait till the judgement is pronounced by the Magistrate regarding the merits of the prosecution and the ownership of the said compound and if the prosectuion is acquitted, I have to take action against the authorised owner of the compound for shifting the latrine from the existing site.

In the letter dated 18-4-55 cited in the above reference and addressed to the Honourable Minister for Public Health, it was remarked that the other party is trying to influence the local authorities and there is likelyhood of us losing the case and to take action against the people who are doing mishhief, which is reflecting on the Public Health Department and it has to be investigated.

(TRUE COPY)o

16/7/55

Ks. 15.7.55.

C. V. Vanjagetha

1/2 for Director of Public Health
Madras.

H.E.L.A (H3)

17

Lr. No. 38462-A/55-3(H3)d/ 27-7-55

To

~~Sri~~ Dr. P. Varadarajulu Naidu, M.L.A
Govt. Estate
Madras-2.

Sir,

Sub: Existance of a Latrine close to dwelling house of Mrs. Nathline D'sa, Kalianpur, South Kanara Dt.

Ref: Your lr to ~~the~~ Minister for Health d/ 18-4-55

I am desired to say that the local Health authorities have taken necessary action ~~of~~ on the complaint of Mrs. Nathline D'sa and that a prosecution ~~has been filed in the court and the matter is sub judice~~ filed launched against the party concerned for failure to comply with the notices issued by the Health authorities is pending in the court.

25/7/55

25.7.55

26755

27.7.55

162/27.7

CENTRAL D... BRANCH

Date

Department's Initials

P1 cf

No. 38462-A/55

P 9 cf

Nuisance - - South Kanara District Kalainpur — Existance of a latrine close to dwelling house of Nathline D'sa.

Ref:

From Dr. P. Varadarajulu Naidu M.L.A

P 1 cf

lr dated 18-4-55

P 9 cf

From D.P.H L-Dis. 30056-Hyg(1)/55 dated 12-7-'55.

Extract of the Minute of M(H) on P 1 cf:-

P 1 cf

"Please see what action can be taken in the matter."

Dr. P. Varadarajulu Naidu, M.L.A

P 1 cf

has brought to the notice of Govt that a complaint was made to the Health authorities by one Mrs Nathline

P 1 cf

D'sa ~~in~~ Kalainpur, S. Kanara Dist. against the construction of a latrine by her neighbour causing nuisance to her and

P 1 cf

~~that on the authorities filing a case against the defaulting party, the latter are~~ that the party against whom the report was made, was trying to influence the local authorities.

P 9 cf

The D.P.H. has submitted the reports obtained by him from

P 11-15 cf

the D.H.O., South Kanara and the Health Inspector, Udipi Range It is seen from the reports that vigorous action has been taken by the

Public Health staff. ~~That that and a~~ A prosecution ~~filed was~~ has been filed in the court and ~~that~~ the matter is sub judice.

38462 / 222 - 22/7

p.c.

The D.H.O, South Kanara has stated that there was no justification for the insinuation made in the letter addressed to M(H). It does not seem necessary to pursue the question of casting a reflection on the Public Health Staff. It is for consideration whether any reply need be sent to Dr. P. Varadarajulu Naidu, M.L.A or whether the papers may be lodged.

p.c.

A reply may be [illegible]

For orders as to circulation to M(H)

20/7/55

20.7.55

21.7.55

J S

22.7

22/7

JOINT SECRETARY TO GOVERNMENT
8 JUL 1955
HEALTH, EDUCATION AND LOCAL ADMN. DEPT.

A draft letter to Dr. P.V. Naidu M.L.A is subd below for approval.

25/7/55

25.7.55

26.7.55

JS

27.7.55